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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-2428

ASHLEY LEILA HELMS
1455 N. 13th Ave.
Upland, CA 91786

A C C U S A T I O N

Vocational Nurse License No. VN 240779

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about March 16, 2009, the Board issued Vocational Nurse License No. VN 240779 to Ashley Leila Helms (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 a manner dangerous or injurious to himself or herself, any other person, or the public, or to the
2 extent that the use impairs his or her ability to conduct with safety to the public the practice
3 authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
5 drug, or the prescription, consumption, or self-administration of any of the substances described
6 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
7 conclusive evidence thereof.

8 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
9 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
10 section, in which event the court order of commitment or confinement is prima facie evidence of
11 that commitment or confinement. . . ."

12 **COST RECOVERY**

13 9. Section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **REGULATORY PROVISIONS**

18 10. California Code of Regulations, title 16, section 2521 states, in pertinent part:

19 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
20 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
21 considered to be substantially related to the qualifications, functions or duties of a licensed
22 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
23 vocational nurse to perform the functions authorized by his license in a manner consistent with
24 the public health, safety, or welfare. . . ."

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Conviction of Substantially Related Crime)**

27 11. Respondent is subject to disciplinary action under section 490 and 2878,
28 subdivision (f), in that on or about August 14, 2009, Respondent was convicted of a crime

1 substantially related to the qualifications, functions or duties of a licensed vocational nurse which
2 to a substantial degree evidences her present or potential unfitness to perform the functions
3 authorized by her license in a manner consistent with the public health, safety, or welfare, as
4 follows:

5 a. On or about August 14, 2009, after pleading nolo contendere and an admission to a
6 prior conviction of Vehicle Code section 23152(a) [driving while under the influence] on or about
7 September 27, 2006, Case No. 6PK00752, Respondent was convicted of one misdemeanor count
8 of violating Vehicle Code section 23152(b) [driving while having an equal to or greater
9 than 0.08% blood alcohol] in the criminal proceeding entitled *The People of the State of*
10 *California v. Ashley Leila Helms* (Super. Ct. Los Angeles County, 2009, No. 9JB04011). The
11 Court sentenced Respondent to four (4) days in jail, placed her on three (3) years of probation,
12 and ordered her to complete an 18-month, second offender alcohol program.

13 b. The circumstances underlying the conviction are that on or about March 15, 2009,
14 Respondent drove a vehicle with a tested blood alcohol content level of 0.09%.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Alcohol Related Conviction)**

17 12. Respondent is subject to disciplinary action under sections 2878, subdivision (a),
18 and 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that on or about
19 August 14, 2009, Respondent was convicted of a crime involving the consumption of alcoholic
20 beverages. Complainant refers to and by this reference incorporates the allegations set forth
21 above in paragraph 11, subparagraphs a and b, inclusive, as though set forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Dangerous Use of Alcoholic Beverages)**

24 13. Respondent is subject to disciplinary action under sections 2878, subdivision (a),
25 and 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about
26 March 15, 2009, Respondent used alcoholic beverages in a manner dangerous or injurious to
27 herself or others. Complainant refers to and by this reference incorporates the allegations set
28 forth above in paragraphs 11 and 12, inclusive, as though set forth fully.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Confinement for Intemperate Use of Alcoholic Beverages)**

3 14. Respondent is subject to disciplinary action under sections 2878, subdivision (a),
4 and 2878.5, subdivision (d), on the grounds of unprofessional conduct, in that on or about
5 August 14, 2009, Respondent was confined by the criminal court for her intemperate use of
6 alcoholic beverages. Complainant refers to and by this reference incorporates the allegations set
7 forth above in paragraphs 11 -13, inclusive, as though set forth fully.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct / Violate Act)**

10 15. Respondent is subject to disciplinary action under section 2878, subdivision (a),
11 and / or (d), in that Respondent committed acts of unprofessional conduct and / or acts violating
12 the Vocational Nursing Practice Act. Complainant refers to and by this reference incorporates the
13 allegations set forth above in paragraphs 11 -14, inclusive, as though set forth fully.

14 **DISCIPLINE CONSIDERATIONS**

15 16. To determine the degree of discipline, Complainant alleges that:

16 a. On or about February 24, 2009, concurrent with the issuance of her Vocational Nurse
17 License, the Board issued a Notice of Warning letter to Respondent regarding her 2006
18 conviction.

19 b. On or about September 27, 2006, after pleading nolo contendere, Respondent was
20 convicted of one interlineated lesser count of violating Vehicle Code section 23103 [wet –
21 reckless] in the criminal proceeding entitled *The People of the State of California v. Ashley Leila*
22 *Helms* (Super. Ct. Los Angeles County, 2006, No. 6PK00752). The Court placed Respondent on
23 three (3) years of probation, and ordered her to complete an alcohol and drug education program.
24 The circumstances underlying the conviction are that on or about December 28, 2005,
25 Respondent drove a vehicle while under the influence of alcoholic beverages.

26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board issue a decision:

1 1. Revoking or suspending Vocational Nurse License No. VN 240779, issued to
2 Respondent;

3 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
4 enforcement of this case, pursuant to section 125.3; and

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7 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: January 12, 2011



TERESA BELLO JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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